

Congress of the United States
Washington, DC 20515

February 22, 2021

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20050

Dear President Biden:

We write to respectfully request that you consider modifying the decision-making process the United States uses in its command and control of nuclear forces.

As president, two of your most critical and solemn duties are the security of the country and the safeguarding of its nuclear arsenal. You alone possess the authority to order the use of nuclear weapons, which assures that nuclear weapons remain under civilian control.

However, vesting one person with this authority entails real risks. Past presidents have threatened to attack other countries with nuclear weapons¹ or exhibited behavior that caused other officials to express concern about the president's judgment.^{2,3}

While any president would presumably consult with advisors before ordering a nuclear attack, there is no requirement to do so. The military is obligated to carry out the order if they assess it is legal under the laws of war. Under the current posture of U.S. nuclear forces, that attack would happen in minutes.

Several alternatives, seeking to reduce risks inherent in the present system, have been proposed, including:

- Requiring additional officials in the line of presidential succession, starting with the vice president and the speaker of the U.S. House of Representatives – neither of whom can be removed by the president if they disagree – to concur with a launch order, and utilizing the Federal Emergency Management Agency's tracking of those officials to ensure prompt communication.⁴

¹ Via Twitter, President Trump threatened a nuclear attack on North Korea:
<https://www.independent.co.uk/news/world/donald-trump-north-korea-la test-nuclear-button-kim-jon-un-bigger-more-powerful-a8139021.html>.

² In the final days of the Nixon presidency, Secretary of Defense James Schlesinger reports he ordered military commanders to check with him first if the president gave any nuclear launch order:
<https://www.politico.com/magazine/story/2017/08/11/donald-trump-nuclear-weapons-richard-nixon-215478>.

³ During the January 6, 2021 attack on the Capitol, Speaker Pelosi checked with the chair of the Joint Chiefs of Staff about the president's nuclear command authority: <https://www.nytimes.com/2021/01/08/us/politics/trump-pelosi-nuclear-military.html>.

⁴ Gronlund, L., Fetter, S., and Wright, D., "An expert proposal: How to limit presidential authority to order the use of nuclear weapons," *The Bulletin of the Atomic Scientists*, January 8, 2021, <https://thebulletin.org/2021/01/an-expert-proposal-how-to-limit-presidential-authority-to-order-the-use-of-nuclear-weapons/>

- Requiring certifications from the secretary of defense that the launch order is valid and from the attorney general that it is legal. Concurrence from the chair of the Joint Chiefs of staff and/or the secretary of state could also be required.⁵
- Requiring a congressional declaration of war and specific authorization from Congress before any nuclear first strike can be conducted.⁶
- Creating a permanent active council of congressional leaders that would regularly participate in deliberations with the executive branch on vital national security issues and mandate some portion of the council be consulted before the first use of nuclear weapons.⁷

We note your distinguished record and leadership on nuclear arms control and nonproliferation as senator and vice president. We ask you to lead again. As president, you will have the final say on any changes to U.S. nuclear policy. We respectfully request that you, as president, review ways in which you can end the sole authority you have to launch a nuclear attack, and to install additional checks and balances into the system.

Thank you for your consideration of this matter.

Sincerely,



JIMMY PANETTA
Member of Congress



TED W. LIEU
Member of Congress

⁵ Betts, R., and Waxman, M., “Safeguarding Nuclear Launch Procedures: A Proposal,” Lawfare Blog, Nov. 19, 2017, <https://www.lawfareblog.com/safeguarding-nuclear-launch-procedures-proposal/>

⁶ Union of Concerned Scientists, “Limiting the President’s Ability to Start a Nuclear War,” UCS Factsheet, March 2017, <https://www.ucsusa.org/sites/default/files/attach/2017/03/Markey-Lieu-First-Strike-Fact-Sheet.pdf>.

⁷ Moniz, E., and Nunn, S., “The President and Nuclear Weapons: Implications of Sole Authority in Today’s World,” Nuclear Threat Initiative, December 2019,

https://media.nti.org/documents/The_President_and_Nuclear_Weapons_Implications_of_Sole_Authority_in_Today_s_World.pdf

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